IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPEAL NO. 443 OF 1989.

Shri Vijay Budhaji Parab : Appellant.

versus

Shri Deorao Hiroji Parab & Anr. : Respondents.

None for the appellant.

Mr.D.R.More, APP, for the State.

CORAM : D.G.DESHPANDE,J.

DATED : 2nd September 2004.

P.C.

1. This appeal filed by the original complainant against acquittal of accused No.1 was admitted on 4/7/1989. However, there is Roznama dated 25.9.2003 wherein the advocate for the original complainant who was holding for Mrs.Anjali Desai submitted that the respondent/accused has expired. Thereafter the learned APP was directed to verify. Till the

date no report is received. In any case, this appeal is filed by the complainant and when his advocate himself stated that Respondent No.1 is dead then non-verification of the fact by the APP will not come in way because that statement must have been made by the advocate for the complainant with responsibility and knowing consequences. As such, the appeal abates and it is disposed of along with Application No.275 of 1989.

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